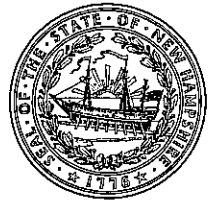




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

January 27, 2009

The Honorable Judith T. Spang, Chairman  
Resources, Recreation, and Development  
Legislative Office Building, Room 305  
Concord, NH 03301

**RE: HB 45 relative to the water supply land conservation program.**

Dear Chairman Spang:

Thank you for the opportunity to comment on HB 45, which would expand the eligibility for water supply land conservation grants to future sources of public drinking water and broaden the definition of grantees to include non-profit land conservation organizations. The Department of Environmental Services (DES) supports this bill.

In 2000, the water supply land conservation program was created to protect New Hampshire's public sources of drinking water. The enabling legislation was passed and the program's importance continues for the following reasons:

- Continued industrial, commercial, and residential development depends on the availability of high quality, low-cost water supply. At the same time, such development has the potential to degrade drinking water quality and to limit the availability of future water supply sources.
- Keeping water supply lands in an undeveloped state is an integral part of water supply protection, an approach that has been practiced for centuries. It is part of a multiple-barrier approach that includes source protection, treatment, monitoring and distribution of water. Together, these elements help ensure safe drinking water.
- Research by the American Water Works Association and the Trust for Public Lands has demonstrated that for every 10 percent increase in forest cover in a water supply watershed, treatment and chemical costs decrease approximately 20 percent.
- A study prepared by the Society for the Protection of New Hampshire Forests in 1998 found that only 11 percent of critical water supply lands in New Hampshire were permanently protected through ownership or conservation easements.
- Approximately 90% of community groundwater sources and non-transient, non-community public water supply sources in New Hampshire have 25% or less of their source water protection areas in conservation land. Half of New Hampshire's community surface water sources have 25% or less of their watersheds in conservation land.
- This program has been very successful, protecting approximately 4,200 acres, leveraged by \$5.6 million in state grant funds, at an average cost to the state of \$1,328 per acre.

DES's latest biennial report to the Legislature regarding the Water Supply Land Grant Program (attached) identified several recommended legislative changes, based on feedback received from the program's partners and from legislators interested in the program. HB 45 addresses two of these issues:

First, as development encroaches on potential future water supply areas, protection of these areas becomes increasingly important. Already, two-thirds of New Hampshire's stratified-drift aquifers capable of support high-yielding wells are unavailable as future community well sites because of encroaching development. HB 45 helps to address that concern by expanding the lands eligible for protection to include future sources of public water supply. The bill accomplishes this by expanding the definition of "Eligible water supply land protection costs."

DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

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Second, since the beginning of the Water Supply Land Grant Program in 2000, municipalities have expressed concerns over their ability to monitor and enforce conservation easements. Landowners have also expressed a preference for land trusts to be the holder of the conservation easements on their land. Currently the statute does not allow land conservation organizations to hold the conservation easements to land protected under this program unless a municipality owns the land. HB 45 addresses this issue by including land conservation organizations among those eligible to receive grants under the program and thereby hold the conservation easements. It accomplishes this by amending the definition of "Water supply land protection grantee."

In summary, DES fully supports HB 45. Thank you for the opportunity to comment on this legislation. If you have any questions or need additional information, please do not hesitate to call Sarah Pillsbury at 271-1168 or me at 271-3449.

Sincerely,

A handwritten signature in black ink, reading "Thomas S. Burack". The signature is written in a cursive style with a large, stylized "T" and "B".

Thomas S. Burack  
Commissioner

Attachment: Water Supply Land Grant Program Third Report, June 2005 – May 2008

cc: Rep. Kepner